

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:09-CR-00027-RLV-DCK**

UNITED STATES OF AMERICA,

v.

BERNARD VON NOTHAUS,

Defendant.

**IN RE: PETITION OF CAROLINA
EDUCATIONAL OPPORTUNITY FUND**

ORDER

THIS MATTER IS BEFORE THE COURT on the Petition of the Carolina Educational Opportunity Fund (Doc. No. 785), which claims ownership of property subject to forfeiture by the Amended (Third) Preliminary Order of Forfeiture (Doc. No. 297). The Government has moved to grant Petitioner's claims. [Doc. No. 791]. Based on the following, this Court **GRANTS** the Government's motion and hereby **GRANTS** Carolina Educational Opportunity Fund's Petition. *See* [Doc. Nos. 785 & 791]. In support of this Order, the Court **FINDS AS FOLLOWS:**

WHEREAS, on November 10, 2014, the Court entered a Memorandum and Order (Doc. No. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment;

WHEREAS, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. No. 297) forfeiting certain coins, metals, and other property to the United States;

WHEREAS, Petitioner has filed a Petition (Doc. No. 785) claiming ownership of 3,906.826 ounces of silver based on Petitioner's eLiberty account;

WHEREAS, the United States has filed a Motion to Grant the Petition and has argued that Petitioner has satisfied 21 U.S.C. § 853(n)(6);

NOW, THEREFORE, good cause having been shown by the United States, and no response being needed from the Petitioner, the Court **ORDERS** that:

1. The Motion of the United States (Doc. No. 791) is **GRANTED** to the extent that Petitioner owns and is entitled to the return of 3,906.826 ounces in silver from the silver forfeited in this case; and
2. Distribution of property by the United States to the Petitioner shall not occur until a Final Order of Forfeiture is entered by the Court.

SO ORDERED.

Signed: August 2, 2016

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

